

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

THE ALPHAS COMPANY, INC.,

Plaintiff,

V.

AGRICULTURAL EXPRESS OF AMERICA, INC.
d/b/a CLIPPER CONTROLLED LOGISTICS,

Defendant.

CIVIL ACTION
NO. 05-10851-DPW

JOINT STATEMENT

The plaintiff, The Alphas Company, Inc. (“Alphas”), and the defendant, Clipper Exxpress Company, formerly known as Agricultural Express of America, Inc. d/b/a Clipper Controlled Logistics (“Clipper”), submit the following Joint Statement pursuant to this Court’s Notice of Scheduling Conference, and agree as follows:

Joint Discovery Plan.

The parties propose the following discovery plan for the conduct of this litigation:

1. Other parties may be joined and the pleadings may be amended in accordance with Rules 14 and 15 of the Federal Rules of Civil Procedure.
2. Initial disclosures under Rule 26(a)(1), Fed. R. Civ. P. to be filed by August 18, 2005.
3. Non-expert witness and fact discovery, including all depositions, must be concluded by January 31, 2006.

4. Expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) and expert's report(s) under Fed. R. Civ. P. 26(a)(2)(B) served by February 28, 2006.
5. Expert witness depositions pursuant to Fed. R. Civ. P. 26(a)(2) must be taken by March 31, 2006.

I. Proposed Schedule for Filing of Motions.

1. Parties may file motions to compel and seek other orders of the court as the need arises, subject to the provisions of this Court's Local Rules.
2. Dispositive motions must be filed no later than April 30, 2006.
3. The Court shall determine dates for a final pre-trial conference and for trial after the completion of discovery and determination of any dispositive motions filed by the parties.
4. Pursuant to Rule 26(f), the parties recommend no change "in the timing, form, or requirement for disclosures under subdivision (a) or local rule."

II. Certifications Under Local Rule 16.1(D)(3).

Certifications required under Local Rule 16.1 (D)(3) are attached hereto or will be submitted separately by each party by the time of the scheduling conference.

At this time, the parties do not consent to submit this case to a magistrate judge.

Respectfully submitted,

THE ALPHAS COMPANY, INC.

AGRICULTURAL EXPRESS OF
AMERICA, INC. d/b/a CLIPPER,
CONTROLLED LOGISTICS,

By its attorney,

By its attorney,

/s/ Andrew J. Fay

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July 8, 2005

/s/ Wesley S. Chused

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July 8, 2005